**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO 5378 OF 2006

Shri Prakash K Sharma,
Proprietor of M/s Kanaiyalal & Co, .. Petitioner.
Vs
M/s Akshay Exports (India) .. Respondent.

Mr S.B.Malavankar, for the petitioner.

**CORAM : D.B.BHOSALE,J.**
**DATE : 28.08.2006**

**PC:**

1. Heard the learned counsel for the petitioner.

2. The petitioner has impugned the order dated 28.6.2006 passed by th Jt Civil Judge, Sr. Dn, Kalyan, rejecting the application filed by the petitioenr-defendant seeking dismissal of the suit for nonjoinder of necessary party under Order 1 rule 13 read with Order 1 rule 3 of the Code of Civil Procedure. I perused the impugned order. For the reasons stated in the order and in particular paragraph 6 thereof, I see no reason to exercise writ jurisdiction under Article 227 of the Constitution of India. The writ ptition is accordingly dismissed.

(D.B.BHOSALE,J.)